

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IVAN L. CHERRY,

Plaintiff,

-against-

NYC HOUSING AUTHORITY, et al.,

Defendants.

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x

ORDER

15-CV-6949 (MKB) (PK)

Peggy Kuo, United States Magistrate Judge:

Plaintiff Ivan L. Cherry applies for the Court to request *pro bono* counsel on his behalf. (Dkt. 3.) Litigants do not have a right to counsel in civil cases. *Martin-Trigona v. Lavien*, 737 F.2d 1254, 1260 (2d Cir. 1984). Accordingly, the Court cannot compel an attorney to represent a litigant free of charge in a civil case. *Mallard v. U.S. Dist. Court*, 490 U.S. 296 (1989).

The Court may make a request for an attorney to consider taking a case on a volunteer basis. The Court must consider whether the plaintiff's position is "likely to be of substance." *Ferelli v. River Manor Health Care Ctr.*, 323 F.3d 196, 204 (2d Cir. 2003). At this stage of litigation, the Court only has the information contained in Plaintiff's Complaint, and the Complaint, standing alone, fails to establish the threshold requirement that Plaintiff's claims are "likely to be of substance." Plaintiff's request for *pro bono* counsel is therefore denied without prejudice.

SO ORDERED:

Peggy Kuo

PEGGY KUO

United States Magistrate Judge

Dated: Brooklyn, New York
June 2, 2016